

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: October 3, 2007

COUNTY

Date Filed:

Court Date:

ATTORNEY(S): Serrin Turner AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2701

ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

UNITED STATES OF AMERICA,

vs.

Plaintiff(s)/Petitioner(s)

AGNES F. NOLAN, in her personal capacity, and AGNES F. NOLAN, as personal representative for the estate of RICHARD E. NOLAN, deceased,

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU

SS.:

HARRY TORRES

, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years

of age and resides in New York State. On February 26, 2008 at 1:38 PM

at 271 CENTRAL PARK WEST APT 12W NEW YORK, NY 10024, deponent served the within

Summons In A Civil Case and Complaint, Civil Cover Sheet, Judge's Rules, Consent To Proceed Before United States Magistrate Judge, and Electronic Case Filing Instructions

with Index Number 07 CIV 8594, and Date Purchased October 3, 2007 endorsed thereon,

on: AGNES F. NOLAN, Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORPORATION ☐ By delivering to and leaving with _____ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to ELIAS SEPULVEDA - CONCIERGE a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.#5 MAIL COPY ☒ On February 27, 2008, deponent completed service under the last two sections by depositing a copy of the ABOVE DOCUMENTS to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the _____ day of _____ at _____

on the _____ day of _____ at _____

on the _____ day of _____ at _____

on the _____ day of _____ at _____

#6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: ☐ Unknown at Address ☐ Evading ☐ Moved left no forwarding ☐ Address does not exist ☐ Other: _____#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows: Sex Male Color of skin White Color of hair Black Age 51 - 65 Yrs. Height 5' 4" - 5' 8" (use with #1, 2 or 3) Weight 161 - 200 Lbs. Other Features: Balding/Mustache/Accent#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.#9 MILITARY SRVC ☒ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.#10 OTHER ☒ The concierge called Ms. Nolan's apartment from downstairs. She advised him not to let me up at which time I left the papers with him.

Sworn to before me on this 21 day of May, 2008

BARBARA A. SHURGIN

NOTARY PUBLIC, State of New York
No. 30-5004737, Qualified in Nassau County
Commission Expires November 23, 2010

HARRY TORRES

Server's Lic # 0915257

Invoice/Work Order # 0807338